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Commissioner for Patents**REMARKS**

Claims 1, 4-8, 11-14 and 17-20 remain in the application.

Claims 1, 4, 8, 12 and 14 are herein amended.

Claims 2, 3, 9, 10, 15 and 16 are canceled from the application.

In view of the Examiner's rejections of claims 1, 2, 4, 5, 8, 9 and 12-15 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,678,626 (hereinafter "*the Gilles reference*"), the subject matter of canceled claims 3, 10 and 16 is inserted into claims 1, 8 and 14. The subject matter of canceled claims 3, 10 and 16 is fully supported by the description and by Fig. 4.

The Examiner has objected to the subject matter of claims 3, 10 and 16 under 35 U.S.C. 103(a) as being unpatentable over the Gilles reference in view of U.S. Patent No. 4,173,994 (hereinafter "*the Hiser reference*"). More specifically, the Examiner states, "*Gilles does not disclose a second refrigerant. Hiser teaches the use of a second refrigerant (water, see column 7, lines 35-40) in an energy storage tank*". The Examiner then concludes that "*it would have been obvious having ordinary skill in the art at the time the invention was made to modify the Gilles air condition system in view of Hiser such that a second refrigerant could be provided in order to exchange heat by circulating in a closed path*".

The Applicants argue that the refrigerant fluid in storage tank 88 does not constitute a second refrigerant. More specifically, referring to Fig. 2, it appears that water in the tank 88 of the Hiser reference is circulated throughout the refrigeration system illustrated in Fig. 2.

Therefore, the references cited by the Examiner are clearly absent of any teaching pertaining to the use of a second refrigerant in fluid exchange relation between a first refrigerant of a refrigeration system and a storage bank using, for instance, water. The storage bank 88 of the Hiser reference simply constitutes a storage medium and is not a fluid exchange refrigerant between a refrigerant of a refrigeration system and an energy storage medium.

Therefore, the objection under 35 U.S.C. 103(a) over the Gilles reference in view of the Hiser reference is not justified.

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Commissioner for Patents

In view of the insertion of the subject matter of claims 3, 10 and 16 into claims 1, 8 and 14, claims 1, 8 and 14 as herein amended traverse the rejection under 35 U.S.C. 103(a).

In view of the above amendments and remarks, this application is deemed to be in condition for allowance, and early notice to that effect is earnestly solicited.

Respectfully submitted,

Serge DUBÉ et al.

By:

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(Date)


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